

November 11, 2009

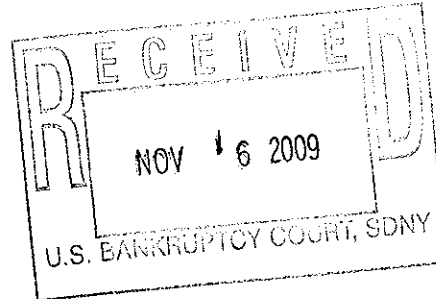
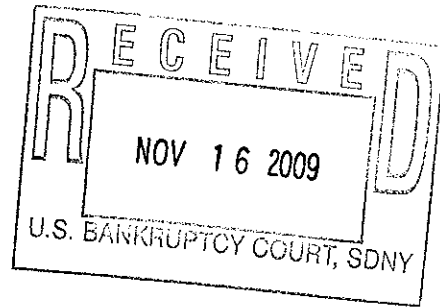
To: Clerk of the United States Court for
The Southern District of New York

and

Judge Burton R. Lifland

and

Irving H. Picard, Trustee



Dear Sirs,

With this letter I am stating my opposition and appeal to your decision to deny my claim for restitution under the Securities Investor Protection Act (SIPA), with regard to funds and/or securities lost fraudulently in the matter of Bernard L. Madoff Investment Securities LLC (BLMIS), Bankruptcy Case No. 08-1789 (BRL)..

When, last February, I completed and mailed my SIPA claim form, there was, as no doubt you know, considerable anxiety and confusion about the nature and scope of the BLMIS fraud itself, as well as about the principles and criteria deployed by the Trustee in his evaluation of SIPA claims. There was and is, in my case, further confusion generated by the fact that I inherited the BLMIS account (or, as would eventually occur, accounts) from my late father, Herman Liebmann, who died on July 21, 2003 at the age of eighty-seven and who, two years earlier, on July 27, 2001, had made the original investment with BLMIS in the form of two checks, issued by The Chase Global Private Bank, totalling \$6,000,000 (Six Million Dollars). He made no withdrawals from that BLMIS account (1-L0195-3-0) during his lifetime.

C. Michael Spero, the Trusts & Estates attorney designated by my father's will, directed the various allocations and transactions through which NY State and Federal Estate taxes were paid; the gradual dissolution of account 1-L0195-3-0 (the Estate of Herman Liebmann account); and the creation of two new BLMIS accounts derived from that original one. The first, a Trust under my father's will, was set up on May 31, 2004, as account 1-L0222-3-0, with exactly \$1,000,000 (One Million Dollars) in assets, and Mr. Spero and myself as co-Trustees; the second, 1-L0235-3-0, in my name, was set up on October 31, 2005, with assets totalling \$3,094,323.53 (Three Million Ninety Four Thousand Three Hundred and Twenty Three Dollars and Fifty Three Cents). As of November 30, 2008, the stated value of the Trust U/W Herman Liebmann account was

\$1,099, 296 (One Million Ninety Nine Thousand Two Hundred and Ninety Six Dollars); and the stated value of my personal account was \$3,048,048 (Three Million Forty Eight Thousand and Forty Eight Dollars).

I filled out the SIPA claim form on my own, after listening to what might be described as a maelstrom of conflicting advice – mainly from my CPA, Marc Freedman, and from Mr. Spero. Much of the conflicted thinking concerned the “point of departure”: There were and continue to be very different opinions of what should constitute the baseline investment upon which to build the claim. It seems very evident to me now that I erred on the side of “minimalism” or excessive simplicity, by assuming that the Trustee would, *a priori*, know everything there was to know, having traced my accounts back to the very real original investment of \$6,000,000 in cash. I therefore did not include as exhibits, in my initial filing, several documents fundamental to my claim: most importantly the Chase bank statement reflecting the two checks, dated July 27, 2001 and totalling \$6,000,000, made out to BLMIS, and the BLMIS statement, dated July 31, 2001, reflecting the receipt of those funds. Herewith I hope to remedy my error.

You will find those two documents included here as exhibits, along with a brief summary of the BLMIS accounts in question, one that also mentions the \$4,500,000 (Four Million Five Hundred Thousand Dollars) withdrawn from BLMIS account 1-L0195-3-0 to pay Federal and State Estate taxes. I have also enclosed two withdrawal schedules, one for the Trust U/W Herman Liebmman (funds used exclusively to pay Trust taxes and my co-Trustee’s commission fees), and another for my personal account (funds used in approximately equal measure to pay taxes incurred by my BLMIS account, and to provide me with income).

It is of special importance to me that you recognize that no funds whatsoever withdrawn from these accounts over the last five years were at the expense of other defrauded investors: Concrete evidence – proof -- of my father’s \$6,000,000 cash investment combined with basic arithmetic will, I believe, lead to that recognition.

By the standards you are using in processing my claim, the \$6,000,000 BLMIS investment made by father should be regarded as the root of this matter and taken into full account. And according to even the most stringent application of those debatable standards, there is a balance of \$220,000 “left over,” after the total amount of distributions (\$4,500,000 from 1-L0195-3-0; plus \$280,000 from 1-L0222-3-0; plus \$1,000,000 from 1-L0235-3-0) are subtracted from that original, \$6,000,000 root sum.

I will conclude for now with what I hope you will consider as an easy-to-grant request. It was by a stroke of good luck that I received your Notice before it was too late to respond to it. My husband, Brooks Adams, and I, who are both writers, have been living in Paris, France, for the last several years with our daughter, Juno, who is eleven. We happened to be visiting New York two weeks ago during Juno’s midterm school-break, and she happened to insist on seeing our apartment (currently under construction and uninhabitable, pending our return), and on checking our mailbox, which in fact contained your Notice. (Our NYC mail is being collected on a more or less monthly basis during

our absence by a friend, who had stopped by the week before.) So please, in the coming months, contact me in Paris, at the street address, and/or *phone numbers*, and/or email address that I am providing. You may also convey any important communication to my accountant, Marc Freedman, whose contact information I am listing here as well.

I submit all of this respectfully, and in hope of just consideration.

Yours sincerely,

Lisa Liebmann



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Paris 75006 France

011-33-1-43-55-49-96 (home tel.)
011-33-6-81-32-57-45 (mobile tel.)
Lisaisabeladams@aol.com

(My primary residence remains 444 Central Park West, New York, New York 10025)

Marc B. Freedman, CPA
215 West 95th Street
New York, New York 10025

1-212-678-2418 (office tel.)
1-212-932-1254 (fax)
mbf@mbfcpa.com

**Exhibit to Customer Claim re
Bernard L. Madoff Investment Securities LLC**

Herman Liebmann, social security number 113-03-3754, invested with Bernard L. Madoff Investment Securities ("Madoff") on or about July 27, 2001 in the amount of \$6,000,000, account number 1-L0195-3-0. Herman Liebmann did not make any withdrawal during his lifetime. He died on July 21, 2003. The assets in his Madoff account at the date of his death (taxpayer identification number 13-7383850) had a stated value of \$8,287,402, based upon which federal and New York estate tax was paid. \$4,500,000 was withdrawn from the Madoff account and used to pay federal and New York estate taxes.

The remaining stated value of the account in accordance with this Will was distributed on October 31, 2005, \$3,094,323.53, to Lisa Liebmann (social security number 055-50-6459) account number 1-L0235-3-0 and \$1,000,000 on or about May 31, 2004 to Trust u/w Herman Liebmann, Lisa Liebmann and C. Michael Spero, Trustees, taxpayer identification number 13-7401310, account number 1-L0222-3-0. As of November 30, 2008, the stated value of Lisa Liebmann's account was \$3,048,048 and of the trust was \$1,099,296.

* Soc. Sec. number for Lisa Liebmann is 055-50-6459

JUNE 30, 2001 - JULY 31, 2001
 Herman Liebmann
 Primary Account Number: 967-434289
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Checking With Interest 967-434289 for Herman Liebmann

Summary

Balance as of 06/30/2001	\$33,787.54	Average Balance	\$387,688.96
Deposits and Credits	\$8,001,937.16	Interest Paid this Period	\$204.16
Checks, Withdrawals and Debits	\$8,004,942.84	Interest Rate this Period	0.62%
Balance as of 07/31/2001	\$30,781.86	Interest Paid Year to Date	\$316.14
		Annual Percentage Yield Earned	0.62%

Deposits and Credits

Date	Description	Amount
07/03	Electronic Funds Transfer US TREASURY 303 Re: SOC SEC Ref: 113033754A SSA	\$1,690.00
07/16	Electronic Funds Transfer US TREASURY 303 Re: SOC SEC Ref: 113033754A SSA	\$43.00
07/24	Deposit	
07/26	Book Transfer Credit	\$2,000,000.00
07/27	Fedwire Credit	\$1,000,000.00
	Deposit	\$1,000,000.00
	FUNDS TRANSFERRED	\$2,000,000.00
	FROM ACCOUNT NUMBER 967100968	\$2,000,000.00
	TO ACCOUNT NUMBER 967434289	\$2,000,000.00
07/31	Interest Paid	\$204.16
Total Deposits and Credits		\$8,001,937.16

Withdrawals and Debits

Date	Description	Amount
07/27	BANK CHECK TO BERNARD MADOFF	\$1,000,000.00
	BANK CHECK TO BERNARD MADOFF	\$5,000,000.00
07/31	Deposited Item Returned	\$2,000,000.00
Total Withdrawals and Debits		\$8,000,000.00

Checks Paid

Check #	Date Paid	Amount	Check #	Date Paid	Amount	Check #	Date Paid	Amount
808	07/06	\$845.12	810*	07/23	\$97.72	812*	07/18	\$4,000.00
Total Checks								\$4,942.84

Enclosed Checks: 3

*Gap in check sequence

Daily Balances

Date	Balance	Date	Balance	Date	Balance	Date	Balance
07/03	\$35,477.54	07/06	\$34,632.42	07/16	\$34,675.42	07/18	\$30,675.42

[illegible]

~~WITH REFERENCE TO~~ CLAIM # 004908

Withdrawals – Trust u/w Herman Liebmann

BMS Account # 1-20222-3-0

<u>Date</u>	<u>Amount</u>
7/13/05	
1/31/06	\$ 100,000
3/31/07	\$ 60,000
3/19/08	\$ 60,000
	\$ 60,000

BLMIS Account # 1-L0235-3.0
WITH REFERENCE TO CLAIM # 003429

Withdrawals – Lisa Liebmman

<u>Date</u>	<u>Amount</u>
10/21/05	\$200,000
4/7/06	\$200,000
5/1/06	\$200,000
12/31/06	\$200,000
1/31/08	\$200,000